

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GRACON LLC dba GRACON
ACQUISITION LLC,

Plaintiff,

vs.

TOSHIBA INTERNATIONAL
CORPORATION,

Defendant.

NO. 2:15-CV-00178-JLQ

ORDER DENYING MOTION
FOR PROTECTIVE ORDER

BEFORE THE COURT is the parties' Joint Motion for Entry of Stipulated Protective Order (ECF No. 23), Stipulated Proposed Order (ECF No. 23-1), and Motion to Expedite (ECF No. 24). The Proposed Order defines "Confidential Information" as including numerous categories of documents, such as "private or confidential health personal information" and "other information with respect to which the producing party otherwise believes in good faith to be entitled to protection under Rule 26(c)(1)(G)". (ECF No. 23-1, p.2-3). The Proposed Order appears overbroad on its face, as this a breach of contract action involving a construction project. (See Complaint, ¶ 8)("The scope of work for the Project includes the rehabilitation of ten hydro electric generators and turbines at the Wells Dam."). It is unclear how personal health care information is relevant to this breach of contract action.

It is this court's general policy not to enter 'blanket' protective orders. The Ninth Circuit also generally does not approve of 'blanket' protective orders. See Foltz v. State Farm Auto Ins. Co., 331 F.3d 1122 (9th Cir. 2003) (finding it could not sustain the district court's blanket protective order because the district court did not require a specific showing as to particular documents). Rule 26(c) provides that upon a showing of "good

1 cause" the court may enter a protective order. "A party asserting good cause bears the
2 burden, for each particular document it seeks to protect, of showing that specific
3 prejudice or harm will result if no protective order is granted." *Foltz*, 331 F.3d at 1130.
4 No documents have been provided to the court for a determination of whether good cause
5 exists for a protective order.

6 **IT IS HEREBY ORDERED:**

7 1. The Motion to Expedite (ECF No. 24) is **GRANTED**.
8 2. The Motion for Protective Order (ECF No. 23) is **DENIED**.
9 3. The parties are free to make agreements concerning the conduct of discovery,
10 and apparently have so agreed. The court will not enter a Protective Order without a
11 particularized showing as to specific documents, however the denial of court participation
12 in the agreement between the parties shall not effect the validity of the agreement as
13 between the parties. The parties have stipulated to certain terms and conditions to
14 maintain the confidentiality of certain documents. Should the parties have need to file
15 any of the documents with the court, they may file the documents under seal along with a
16 motion to seal, and at that time the court will determine if it is appropriate to seal the
17 documents. The parties shall also comply with Fed.R.Civ.P. 5.2 concerning privacy
18 protections for filings made with the court.

19 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
20 furnish copies to counsel.

21 **DATED** this 4th day of April, 2016.

22 s/ Justin L. Quackenbush
23 JUSTIN L. QUACKENBUSH
24 SENIOR UNITED STATES DISTRICT JUDGE
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